

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
7:15-CR-34-F-3

UNITED STATES OF AMERICA)
)
)
v.) **ORDER OF DETENTION PENDING**
)
) **TRIAL**
CRUISE DION SCOTT,)
)
Defendant.)

This case came before the court today for hearing on the government's motion, pursuant to 18 U.S.C. § 3142(f), to detain defendant pending trial. The government presented the testimony of an agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives. Defendant presented the testimony of the proposed third-party custodian, a girlfriend of his. The court also reviewed the pretrial services report. After careful consideration pursuant to 18 U.S.C. § 3142(g) of the credible information and argument submitted, and based on the findings and reasons stated below and in open court, the court finds by clear and convincing evidence that there is no condition or combination of conditions that will reasonably assure defendant's appearance as required or the safety of any other person and the community before trial if defendant is released. The government's motion is therefore GRANTED.

Background

Defendant, age 23, was indicted on 24 March 2015 with 15 offenses he allegedly committed from August to December 2014 relating to a series of five thefts of firearms from federal firearms licensees and the subsequent sale of stolen firearms. The evidence presented at the hearing showed that defendant participated in each of the thefts and travelled with other

conspirators to the New Jersey area to sell stolen firearms with the assistance of one of his cousins.

Discussion

The law requires that defendant be detained pending trial based on the following principal findings and reasons: evidence showing that the government has a strong case, including the evidence reviewed above; the gun-related nature of the offenses charged; the circumstances of the offenses charged, including the multiplicity of the thefts, number of firearms stolen (over 200, all but three handguns), interstate nature of the offense conduct, defendant's commission of charged conduct while on state post-release supervision, known use of two of the firearms in subsequent violent offenses (*i.e.*, a murder and drive-by shooting), and defendant's flight to avoid prosecution, including his attempt to flee the apprehending officers and provision to them of a false name after his arrest; the criminal record of defendant, including two felony convictions, four misdemeanor convictions, two probation revocations, and one unsuccessful termination of post-release supervision (for absconding and other misconduct); the danger of continued gun-related offense conduct by defendant if released; defendant's apparent marijuana habit; the unsuitability of the proposed third-party custodial arrangement due to the presence of a minor in the proposed custodial home, the relatively short-term nature of the proposed custodian's relationship with defendant, and the extent of the risk of flight and danger presented by defendant; and the other findings and reasons stated in open court.

Conclusion

IT IS THEREFORE ORDERED that defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in

custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

This 1st day of July 2015.



James E. Gates
United States Magistrate Judge